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Notice of Allowability	Application No.	Applicant(s)	
	10/021,706	CHIOU ET AL.	
	Examiner	Art Unit	
	Brian R. Gordon	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-4-04.
2. ☒ The allowed claim(s) is/are 1-4,6,7,9-12,15-19 and 25-40.
3. ☒ The drawings filed on 05 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10-4-04; 3-23-04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Denise Poy on December 22, 2004.

The application has been amended as follows:

In the claims:

Cancel claims 20-24.

Amend claims 1 and 15 as follows:

1. An apparatus for manufacturing at least one biochip from at least one substrate comprising: a conveying device for moving the substrate through a series of receiving positions; a series of dispensers positioned at a series of dispensing positions relative to the series of receiving positions of the conveying device, wherein each of the dispensers has a plurality of nozzles, and each of the nozzles dispenses a predetermined reagent onto the substrate; a plurality of positioning devices disposed on the conveying device, corresponding to each position of the series of dispensing positions: and a plurality of retainers, disposed on the conveying device, corresponding to each of the plurality of positioning devices: wherein each dispenser in the series of dispensers dispenses a plurality of reagents onto the substrate when the substrate is positioned in the corresponding receiving position.

15. A method for manufacturing at least one biochip from at least one substrate comprising the steps of: providing a conveying device having a plurality of positioning devices and a plurality of retainers at each of a series of receiving positions; receiving the substrate on a the conveying device; conveying and positioning the substrate through a the series of receiving positions corresponding to a series of dispensing positions by each corresponding the positioning device; and the retainer retaining said substrate at each dispensing position; and dispensing a series of reagents onto the substrate at each dispensing position.

REASONS FOR ALLOWANCE

2. Claims 1-4,6,7,9-12,15-19 and 25-40 are allowed.
3. The following is an examiner's statement of reasons for allowance: the prior art does not teach nor fairly suggest the device and method as claimed by applicant, an apparatus for manufacturing at least one biochip from at least one substrate comprising: a conveying device for moving the substrate through a series of receiving positions; a series of dispensers positioned at a series of dispensing positions relative to the series of receiving positions of the conveying device, wherein each of the dispensers has a plurality of nozzles, and each of the nozzles dispenses a predetermined reagent onto the substrate; a plurality of positioning devices disposed on the conveying device, corresponding to each position of the series of dispensing positions; and a plurality of retainers, disposed on the conveying device, corresponding to each of the plurality of positioning devices: wherein each dispenser in the series of dispensers dispenses a

plurality of reagents onto the substrate when the substrate is positioned in the corresponding receiving position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tiffany et al. and Hilson et al. discloses dispensing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700

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